

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|   |   |             |
|---|---|-------------|
| .....   | X |             |
| WILMA BRITO, PHYLLIS GONZALEZ, DEBBIE               | : |             |
| BACOTE, MIRIAM PERLON, SARA PAGAN and               | : |             |
| RAYVEN CABREJA, by their mother and next friend     | : |             |
| LOURDES CRUZ, and ANNIE SADLER, individually and    | : |             |
| on behalf of all others similarly situated,         | : |             |
|   | : |             |
| Plaintiffs,   | : |             |
|   | : | 09-CV-1621  |
| v.  | : | (RRM) (RML) |
|   | : |             |
| THE NEW YORK CITY HOUSING AUTHORITY and             | : |             |
| RICARDO ELÍAS MORALES, in his official capacity as  | : |             |
| Chairperson of the New York City Housing Authority, | : |             |
|   | : |             |
| Defendants.   | : |             |
| .....   | : |             |
|   | X |             |

**STIPULATION AND ORDER REGARDING NOTIFICATION OF PROPOSED CLASS  
ACTION SETTLEMENT**

**WHEREAS**, on April 21, 2009, Plaintiffs filed the above-captioned case, for injunctive and declaratory relief on behalf of themselves and a class of all individuals with mobility impairments who are tenants or will be tenants in housing owned and operated by New York City Housing Authority (“NYCHA”), alleging that NYCHA has a practice of widespread and systemic failure to maintain the elevators in its buildings in operable working condition, in violation of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the New York State Human Rights Law, and the New York City Human Rights Law;

**WHEREAS**, NYCHA denies that it has engaged in any violation of such laws;

**WHEREAS**, on September 24, 2009, Magistrate Judge Robert Levy granted, on consent, Plaintiffs’ motion to certify a class of “[i]ndividuals who use wheelchairs, walkers, or other assistive

devices, or have health conditions such as asthma or heart problems that substantially limit their ability to walk up and down stairs (‘individuals with mobility impairments’), who are or will be tenants in housing owned and operated by the New York City Housing Authority (NYCHA)’’;

**WHEREAS**, Plaintiffs, on behalf of the Plaintiff class, and NYCHA now desire to resolve the issues between them raised in this litigation, without further proceedings and without admitting any fault or liability, and believe that the best interests of the parties will be advanced by the settlement of this action;

**NOW, IT IS HEREBY STIPULATED AND AGREED**, by and among the undersigned attorneys for the Plaintiffs and NYCHA herein, that the procedure for notifying members of the class of the proposed settlement and the holding of the Fairness Hearing shall be as follows, subject to the approval of the Court pursuant to Rule 23(e) of the Federal Rules of Civil Procedure:

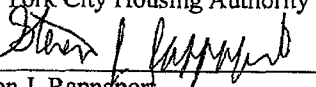
Method of Sending Notice of Proposed Settlement. Within six (6) weeks of the date this Order is entered, Defendant NYCHA shall mail the Class Settlement Notice, attached hereto as Exhibit A, to all members of the class as defined above. No later than seven (7) weeks after this Order is entered, NYCHA’s counsel shall file with the Court a declaration stating that the Class Settlement Notice was timely mailed.

Objections or Support. Any Class Member shall have the right to submit a written objection to the Court in advance of the Fairness Hearing, or to appear and be heard at the Fairness Hearing, pursuant to the terms of the Class Settlement Notice. Any Class Member who does not make his or her objection at the Fairness Hearing or in writing prior to the Fairness Hearing shall be deemed to have waived such opportunity and shall forever be foreclosed from making any objection to the Stipulation of Settlement unless otherwise ordered by the Court.

Fairness Hearing. A Fairness Hearing will be held before Magistrate Judge Robert Levy on \_\_\_\_\_, 2012, at \_\_\_\_\_.m., in Courtroom \_\_, at United States District Courthouse, Brooklyn, New York, at which time the Court will determine whether the proposed Settlement of the Action between Plaintiffs and NYCHA on the terms set forth in the Stipulation of Settlement, attached hereto as Exhibit B, should be finally approved as fair, reasonable, and adequate and whether the Stipulation of Settlement shall be entered as the Final Judgment in this case between Plaintiffs and NYCHA.

Dated: June 8, 2012  
New York, New York

Kelly D. MacNeal  
Acting General Counsel  
New York City Housing Authority

By:   
Steven J. Rappaport

250 Broadway  
New York, NY 10007  
(212) 776-5152

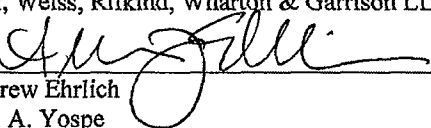
*Attorneys for NYCHA*

Yisroel Schulman  
New York Legal Assistance Group

By: \_\_\_\_\_  
Jane Greengold Stevens  
Julia Russell  
Jennifer Magida

Seven Hanover Sq. 18<sup>th</sup> floor  
New York, NY 10004  
(212) 613-5000

Paul, Weiss, Rifkind, Wharton & Garrison LLP

By:   
Andrew Ehrlich  
Sam A. Yospe  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 373-3000

*Attorneys for Plaintiffs*

So Ordered this \_\_\_\_ day of June, 2012:

\_\_\_\_\_  
Hon. Robert Levy, Magistrate Judge

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*Attorneys for Plaintiffs*

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